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March 3, 2011

VIA ECF

Judge Joseph F. Bianco
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: Genovese v. Town of Southampton
10 CV 3470
Our File No.: SO5764W9

Honorable Judge Bianco:

We are the attorneys for the defendants, Town of Southampton and Lt. Robert Iberger, in the referenced action. We write, further to your directive at the pre-motion conference on February 25, 2011, to advise the Court of our clients' intentions with regard to its proposed qualified immunity dismissal motion pursuant to Rule 12(b). The Town will not be proceeding with the proposed motion at this time.

Your Honor's consideration of this matter is greatly appreciated.

Respectfully submitted,

DEVITT SPELLMAN BARRETT, LLP

_____/S/_____
David H. Arntsen

DHA/is

Judge Joseph F. Bianco
United States District Court
Eastern District of New York

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